

House Bill 1352 (AS PASSED HOUSE AND SENATE)

By: Representative Sims of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Atkinson County and to provide for its
2 powers and duties; to provide for definitions; to provide for the composition of the board and
3 the selection and appointment of members; to provide for the qualification, terms, and
4 removal of members; to provide for oaths and privileges; to provide for meetings,
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for
6 the transfer of functions to the newly created board; to provide for expenditures of public
7 funds; to provide for compensation of members of the board; to provide for offices and
8 equipment; to provide for personnel and compensation; to provide for the board's
9 performance of certain functions and duties for certain municipalities; to provide for related
10 matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
14 Board of Elections and Registration of Atkinson County, hereinafter referred to as "the
15 board." The board shall have the powers and duties of the former superintendent of elections
16 of Atkinson County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
17 Code," relating to the conduct of primaries and elections and the former board of registrars
18 of Atkinson County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
19 Code," relating to the registration of electors and absentee voting.

20 **SECTION 2.**

21 The terms "election," "elector," "political party," "primary," and "public office" shall have
22 the same meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
23 Code," unless otherwise clearly apparent from the text of this Act, and the term
24 "commissioners" means the Board of Commissioners of Atkinson County and "county"
25 means Atkinson County.

SECTION 3.

(a) The board shall be composed of three members, each of whom shall be an elector and resident of the county and who shall be appointed as provided in this section.

(b) The chairperson and each member of the Board of Commissioners of Atkinson County shall nominate one person for appointment to the board. The Board of Commissioners shall select from among such nominees three members to serve on the board.

(c) All appointments to the board shall be promptly submitted to the clerk of the Superior Court of Atkinson County as provided in this Act.

(d) In making the initial appointments to the board, the members shall be selected by not later than December 1, 2008. Each of the initial appointees to the board shall serve a term of four years beginning January 1, 2009, and ending December 31, 2012, and until their successors are appointed and qualified. Thereafter, successors shall be appointed during the month of December immediately preceding the end of the members' terms of office in the manner provided in subsection (b) of this section, and such successors shall take office on the following January 1 and serve terms of office of four years and until their successors are appointed and qualified.

(e) At its first meeting in each odd-numbered year, the board shall elect from its members a chairperson.

SECTION 4.

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board must be residents of Atkinson County and must have been a registered voter in Atkinson County for a period of at least one year prior to the date of appointment to the board.

(c) No member of the board shall be related by blood or marriage closer than first cousins to any elected official in Atkinson County nor shall any member of the board be employed by or work directly for any agency of state government or Atkinson County.

(d) No member of the board shall have been convicted of any felony or crime involving moral turpitude or election fraud or have been found by any civil or administrative court or tribunal to have committed election fraud. Upon indictment of any felony or crime involving election fraud or moral turpitude, a member shall stand immediately terminated as a matter of law.

SECTION 5.

The board of commissioners shall certify the appointment of each member of the board by filing an affidavit with the Clerk of the Superior Court of Atkinson County no later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 6.

Each member of the board shall be eligible to serve successive terms, shall have the right to resign at any time by giving written notice of such resignation to the appointing commissioner and to the clerk of the superior court, and shall be subject to removal from the board at any time, for cause, after notice and hearing, by the board or by the chief judge of the Superior Court of Atkinson County.

SECTION 7.

In the event a vacancy occurs in the office of any board member before the expiration of his or her term, by removal, death, resignation, or otherwise, and there is more than one year remaining in the member's term of office, the board of commissioners shall appoint a successor within ten business days after the occurrence of the vacancy to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The board shall be

1 responsible for the selection, appointment, and training of poll workers in primaries and
2 elections and such workers shall be appointed, insofar as practicable, from lists provided to
3 the board by the county executive committee of each political party.

4 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
5 directives governing the execution of matters within its jurisdiction. The board shall hold
6 regular meetings on the first Tuesday of each month and more often if needed in the opinion
7 of the members. The time of such meetings shall be set by the board. Any specially called
8 meeting shall be called by the chairperson or any three members of the board. The board
9 shall maintain a written record of policy decisions amended to include additions or deletions.
10 Such written records shall be made available for the public to review.

11 (c) Members of the board shall receive not less than \$100.00 per month as compensation for
12 service on the board. The chairperson shall receive not less than \$200.00 per month as
13 compensation. On primary and election days and during the period of advance voting
14 pursuant to subsection (b) of Code Section 21-2-380 of the O.C.G.A., the chairperson and
15 members of the board shall be compensated at the rate of \$10.00 per hour. The hours of
16 service shall be certified to the commissioners by the chairperson of the board.

17 **SECTION 10.**

18 The board shall have the authority to contract with any municipality located within Atkinson
19 County for the holding by the board of any primary or election to be conducted within such
20 municipality.

21 **SECTION 11.**

22 (a) The board shall, with the approval of the commissioners, appoint an elections supervisor
23 who shall generally supervise, direct, and control the administration of the affairs of the
24 board pursuant to law and duly adopted resolutions of the board. The election supervisor
25 shall not be a member of the board. The election supervisor shall be considered an employee
26 of Atkinson County and shall be entitled to the same benefits as other employees of Atkinson
27 County. The election supervisor shall be subject to all personnel and policy procedures of
28 Atkinson County. The election supervisor shall maintain regular office hours as directed by
29 the governing authority of Atkinson County.

30 (b) The supervisor of elections shall not be an active member of any political party or body.

31 (c) Upon indictment of any felony or crime involving election fraud or moral turpitude, the
32 election supervisor shall be terminated from the position as a matter of law. Such vacancy
33 shall be filled by appointment of the board within ten business days following the occurrence
34 of such vacancy.

(d) The board is authorized, with the approval of the commissioners, to employ additional clerical assistants as needed to carry out the duties and functions of the board. All such clerical assistants shall be considered to be employees of Atkinson County and shall be entitled to the same benefits as other employees of Atkinson County. Any clerical assistants shall be subject to all personnel and policy procedures of Atkinson County. Upon indictment of any felony or crime involving election fraud or moral turpitude, a clerical assistant shall resign or be terminated from his or her position.

SECTION 12.

Compensation for the members of the board, election superintendent, clerical assistants, and other employees shall be fixed by the board of commissioners in accordance with the provisions of this Act. Such compensation shall be paid wholly from county funds.

SECTION 13.

(a) The Board of Commissioners of Atkinson County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the Board of Commissioners of Atkinson County deems appropriate.

(b) The commissioners shall also cause periodic audits to be made of the board and its offices.

SECTION 14.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on January 1, 2009. Upon this Act becoming fully effective, the superintendent of elections of Atkinson County and the board of registrars of Atkinson County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties.

SECTION 15.

All laws and parts of laws in conflict with this Act are repealed.